

Civil Procedure Law Of The People's Republic Of China (2012)

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Part One General Principles

Chapter 1 Purposes, Scope of Regulation and Basic Principles

Article 1 The Civil Procedure Law of the People's Republic of China is formulated according to the Constitution and in the light of the experience and actual conditions of adjudicating civil cases in our country.

Article 2 The purposes of the Civil Procedure Law of the People's Republic of China are to protect the litigation rights exercised by the parties, to ensure that the people's courts find facts, to distinguish right from wrong, to apply the law correctly, to try civil cases promptly, to affirm the rights and obligations in civil affairs, to impose sanctions for civil wrong doings, to protect the lawful rights and interests of the parties, to educate citizens to voluntarily abide by the law, to maintain the social and economic order, and to guarantee the smooth progress of the socialist construction.

Article 3 The provisions of this Law shall apply to all the civil litigation accepted by people's courts regarding disputes over the status of property and personal relations among citizens, legal persons, or other organizations respectively and mutually between citizens, legal persons, or other organizations.

Article 4 All those who involve in civil lawsuits within the territory of the People's Republic of China must abide by this Law.

Article 5 Foreign nationals, stateless persons, foreign enterprises, or organizations, which initiate or respond to lawsuits in people's courts, shall have the same litigation rights and obligations as the citizens, legal persons, or other organizations of the People's Republic of China.

Should the courts of a foreign country impose restrictions on the civil litigation rights of the citizens, legal persons, or other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall follow the principle of reciprocity regarding the civil litigation rights of the citizens, enterprises, or organizations of that foreign country.

Article 6 The adjudication authority over civil cases shall be exercised by the people's courts only.

The people's courts shall adjudicate civil cases independently according to law, and shall not be subject to any interference from an administrative organ, public organization, or individual.

Article 7 The people's courts must take the facts as the basis and take the law as the criterion when adjudicating civil cases.

Article 8 All parties to a civil litigation shall have equal litigation rights. The people's courts shall, when adjudicating civil cases, guarantee and facilitate all parties to exercise their litigation rights, and apply the law equally to all parties.

Article 9 When adjudicating civil cases, the people's courts may mediate the disputes according to the principles of voluntariness and lawfulness; if a mediation agreement can not be reached, the courts shall render judgments without delay.

Article 10 When adjudicating civil cases, the people's courts shall apply the systems of collegial panel, recusal, public trial, and "two trials and the second one is final".

Article 11 Chinese citizens of all ethnicities shall have the right to use their native spoken and written languages in civil proceedings.

In the areas where an ethnic minority is concentrated or a number of different ethnic nationalities live together, the people's courts shall conduct hearings and publish legal documents in the spoken and written languages commonly used by these people.

The people's courts shall provide translations for any litigation participants who are not familiar with the spoken or written languages commonly used by the local people.

Article 12 When adjudicating civil cases by the people's court, the parties shall have the right to engage in argument.

Article 13 Civil litigation shall follow the principle of honesty and good faith.

The parties to a civil litigation shall be entitled, within the scope stipulated by law, to dispose their rights of civil affairs and litigation.

Article 14 The people's procuratorates shall have the right to exercise legal supervision over the civil proceedings.

Article 15 If the civil rights and interests of the state, a collective, or an individual have been infringed, a state organ, public organization, enterprise, or institution may support the injured unit or individual to initiate legal action in a people's court.

Article 16 The people's congresses of the national autonomous areas may formulate some accommodating or supplementary provisions according to the principles of the Constitution and this Law and based on the specific circumstances of their localities. Such provisions made by an autonomous region shall be submitted to the Standing Committee of the National People's Congress for approval. The provisions made by an autonomous prefecture or autonomous county shall be submitted to the standing committee of the people's congress of the relevant autonomous region or province for approval and to the Standing Committee of the National People's Congress for the record.

Chapter 2 Jurisdiction

Section 1 Jurisdiction by Levels of Courts

Article 17 A basic people's court shall have jurisdiction as the court of first instance over civil cases, unless otherwise stipulated in this Law.

Article 18 An intermediate people's court shall have jurisdiction as courts of first instance over the following civil cases:

(1) Major cases involving foreign elements;

(2) Cases that have major impacts in the area of its jurisdiction; and

(3) Cases under the jurisdiction of the intermediate people's courts as determined by the Supreme People's Court.

Article 19 A higher people's courts shall have jurisdiction as the court of first instance over civil cases that have major impacts on the areas of its jurisdiction.

Article 20 The Supreme People's Court shall have jurisdiction as the court of first instance over the following civil cases:

(1) Cases that have major impacts on the whole country; and

(2) Cases that the Supreme People's Court deems should be adjudicated by itself.

Section 2 Territorial Jurisdiction

Article 21 A civil lawsuit brought against a citizen shall be under the jurisdiction of the people's court located in the place where the defendant has his domicile; if the defendant's domicile is different from his habitual residence, the lawsuit shall be under the jurisdiction of the people's court located in the place of his habitual residence.

A civil lawsuit brought against a legal person or an organization shall be under the jurisdiction of the people's court located in the place where the defendant has its domicile.

Where the domiciles or habitual residences of several defendants in the same lawsuit are in the areas under the jurisdiction of two or more people's courts, all of those people's courts shall have jurisdiction over the lawsuit.

Article 22 The civil litigations described below shall be under the jurisdiction of the people's court located in the place where the plaintiff has his domicile; if the plaintiff's domicile is different from his habitual residence, the lawsuit shall be under the jurisdiction of the people's court located in the place of the plaintiff's habitual residence. The relevant civil litigations are:

(1) Litigations concerning the status of persons who do not reside within the territory of the People's Republic of China;

(2) Litigations concerning the status of persons whose whereabouts are unknown or whom have been declared missing;

(3) Litigations brought against the persons who are undergoing mandatory education measures; and

(4) Litigations brought against persons who are in imprisonment.

Article 23 A lawsuit brought about a contract dispute shall be under the jurisdiction of the people's court located in the place where the defendant has his domicile or where the contract is performed.

Article 24 A lawsuit brought for insurance contract dispute shall be under the jurisdiction of the people's court located in the place where the defendant has his domicile or where the insured subject matter is located.

Article 25 A lawsuit brought for a negotiable instrument dispute shall be under the jurisdiction of the people's court located in the place where the negotiable instrument is to be paid or where the defendant has his domicile.

Article 26 A lawsuit brought for a dispute over the establishment, confirmation of shareholders' qualification, profit distribution or dissolution of a company shall be under the jurisdiction of the people's court in the place where the company is located.

Article 27 A lawsuit brought for a dispute over transportation contract via railway, highway, water, air, or combined transportation shall be under the jurisdiction of the people's court located in the place of the departure or the destination, or where the defendant has his domicile.

Article 28 A lawsuit brought for a tortious act shall be under the jurisdiction of the people's court located in the place where the infringing act took place or where the defendant has his domicile.

Article 29 A lawsuit to claim damages caused by a railway, highway, water, or aviation transportation accident shall be under the jurisdiction of the people's court located in the place where the accident took place, where the vehicle or ship first arrived after the accident, where the aircraft first landed after the accident, or where the defendant has his domicile.

Article 30 A lawsuit brought for damages caused by a ship collision or any other maritime accident shall be under the jurisdiction of the people's court located in the place where the collision took place or where the collision ship first docked after the accident or where the ship at fault was detained, or where the defendant has his domicile.

Article 31 A lawsuit brought for a maritime salvage shall be under the jurisdiction of the people's court located in the place where the salvage took place or where the salvaged vessel first docked after the disaster.

Article 32 A lawsuit brought for a general average shall be under the jurisdiction of the people's court located in the place where the ship first docked after the general average adjustment took place or the adjustment thereof was conducted or where the voyage ended.

Article 33 The following cases shall be under the exclusive jurisdiction of the people's courts herein specified:

(1) A lawsuit brought for real estate shall be under the jurisdiction of the people's court located in the place where the real estate is located;

(2) A lawsuit concerning harbor operations shall be under the jurisdiction of the people's court located in the place where the harbor is located; and

(3) A lawsuit concerning an inheritance shall be under the jurisdiction of the people's court located in the place where the decedent had his domicile upon his death, or where the principal portion of his estate is located.

Article 34 A party to a contract or other property dispute may choose by written agreement to be under the jurisdiction of the people's court in the location of the defendant's domicile, where the contract is performed or signed, in the location of the plaintiff's domicile, in the location of the subject matter or in other locations which have actual connections with the dispute, provided that the provisions on hierarchical jurisdiction and exclusive jurisdiction are not violated.

Article 35 When two or more people's courts have jurisdiction over a lawsuit, the plaintiff may bring his lawsuit in one of these people's courts; if the plaintiff brings the lawsuit in two or more people's courts that have jurisdiction over the lawsuit, it shall be handled by the people's court that accepts the case first.

Section 3 Jurisdiction by Transfer and Jurisdiction by Designation

Article 36 If a people's court discovers that a case it has accepted is not under its jurisdiction, it shall transfer the case to the people's court that does have jurisdiction over the case. The people's court to which a case has been transferred shall accept the case, and if it considers that, according to relevant regulations, the transferred case is not under its jurisdiction, it shall report to a superior people's court for the designation of jurisdiction and shall not transfer the case to another people's court without authorization.

Article 37 If a people's court which has jurisdiction over a case is unable to exercise the jurisdiction for a special reason, the superior people's court shall designate another court to exercise the jurisdiction.

If there is a dispute over a jurisdiction among people's courts, it shall be resolved by the disputing parties through consultation; if the dispute cannot be resolved through consultation, the disputing courts shall ask their superior people's court to designate the jurisdiction.

Article 38 A people's court of higher level has the right to hear civil cases of first instance which fall under the jurisdiction of people's courts of a lower level. Where a court finds it necessary to transfer a civil case of first instance under its jurisdiction to a court of lower level for trial, it shall submit the same to the court of higher level for approval.

If a people's court at a lower level deems it necessary for a civil case of first instance under its jurisdiction to be tried by a people's court at a higher level, it may request such a people's court to adjudicate the case.

Chapter 3 Trial Organization

Article 39 Civil cases of first instance shall be tried in a people's court by a collegial bench consisting of both judges and assessors or of judges alone. The numbers of members of a collegial bench shall be odd.

Civil cases to which summary procedure is applied shall be tried by a single judge alone.

When carrying out their duties as assessors, the assessors shall have equal rights and obligations as the judges.

Article 40 Civil cases of second instance shall be tried in a people's court by a collegial bench of judges. The numbers of members of a collegial bench shall be odd.

For the retrial of a remanded case, the people's court of first instance shall form a new collegial bench according to the procedure of first instance.

If a case for retrial was originally tried at first instance, a new collegial bench shall be formed according to the procedure of first instance; if the case was originally tried at second instance or was removed to a people's court at a higher level for trial, a new collegial bench shall be formed according to the procedure of second instance.

Article 41 The president of the court or the chief judge of a division shall designate a judge to serve as the presiding judge of the collegial bench; if the president or the chief judge participates in trial, he himself shall serve as the presiding judge.

Article 42 When deliberating a case, a collegial bench shall observe the principle of minority obeying majority. The deliberations shall be recorded in writing, and the transcript shall be signed by the members of the collegial bench. The dissenting opinions in the deliberations shall be truthfully recorded in the transcript.

Article 43 The adjudicating personnel shall handle the case impartially and according to law.

The adjudicating personnel shall not accept a treat or gift from the parties or their agents.

Any adjudicating personnel who commits embezzlement, accepts bribes, practices favoritism for himself or relatives, twists the law in rendering judgment shall be investigated for legal responsibility; if a crime is committed, the offender shall be investigated for criminal responsibility according to law.

Chapter 4 Recusal of Adjudicating Personnel

Article 44 A judicial officer falling under one of the following circumstances shall of himself withdraw from the case, or the parties thereto may apply for his withdrawal in oral or written form:

- (1) Where the judicial officer is a party to the case or close relative to a party or agent ad litem;
- (2) Where the judicial officer is an interested party in the case;
- (3) Where the judicial officer has another relationship with a party or agent ad litem, and such relationship may affect the impartial trial of the case.

Where the judicial officer accepts gifts or entertainment of the party or agent ad litem or meets with a party or agent ad litem in violation of the relevant provisions, the party concerned shall have the right to file a request for his withdrawal.

Where a judicial officer falls under the circumstances stipulated in the preceding paragraph, such judicial officer shall be subject to legal liability according to the law.

The provisions in Paragraphs (1)-(3) herein shall apply to clerks, interpreters, expert witnesses and inspection personnel.

Article 45 When a party makes a request to disqualify an adjudicator, he shall make an explanation and submit the request at the beginning of the proceedings; a request for recusal may also be submitted before the end of court debate if the recusal reason is uncovered after the proceeding begins.

If a recusal decision is waiting for a people's court to decide, the personnel who have been requested to be disqualified shall temporarily be suspended from participating in the proceedings, but with the exception of cases that require emergency measures.

Article 46 The recusal of a court president who serves as the presiding judge shall be decided by the adjudicating committee; the recusal of adjudicators shall be decided by the court president; the recusal of other personnel shall be decided by the presiding judge.

Article 47 The decision of a people's court on a request for recusal shall be made orally or in writing within three days after the request was made. If a party is not satisfied with a recusal decision, it may apply for reconsideration once. During the period of reconsideration, the personnel who have been requested to be disqualified shall not be suspended from participating in the proceedings. The decision of a people's court on an application for reconsideration shall be made within three days after receiving the application and the person who has made the application for reconsideration shall be notified of the decision.

Chapter 5 Litigation Participants

Section 1 Parties

Article 48 Any citizen, legal person or any other organization may become a party to a civil lawsuit.

Legal persons shall be represented by their legal representatives in litigation. Other organizations shall be represented by their principal leading personnel in litigation.

Article 49 The parties shall have the right to appoint representatives, request recusals of adjudicating personnel, collect and provide evidence, engage in debate, request mediation, file an appeal, and apply for an enforcement of judgments.

The parties may consult the materials relating to the court proceedings of the case and copy the materials and other legal documents pertaining to the case. The scopes and measures of consulting and making copies of the relevant materials to a case shall be regulated by the Supreme People's Court.

The parties must exercise their litigation rights according to the law, observe litigation procedures and carry out legally effective written judgments or orders and mediation statements.

Article 50 The two parties may reach a settlement agreement on their own.

Article 51 The plaintiff may relinquish or modify his claim. The defendant may confirm or repudiate the claim and shall have the right to file a counterclaim.

Article 52 When one party or both parties consist of two or more persons and the subject matter of the action is the same or under the same category, the people's court may adjudicate them together upon the consent of all the parties. Such adjudication is called joint litigation.

If a party of two or more persons of a joint litigation who have the common rights and obligations with respect to the subject matter of action and the act of any of them is recognized by the others of the party, such an act shall bind the rest of the party; if a party of two or more persons have no common rights and obligations with respect to the subject matter of action, any acts taken by any one of them shall not bind the rest of the party.

Article 53 A joint litigation in which one party has numerous litigants may be brought by the representatives elected by the litigants of the party. The act of litigation taken by these representatives shall bind all litigants of the party whom they represent. However, any substitution of representatives, relinquishing claims, acceptance of claims of the opposing party, or negotiating settlement shall be approved by the litigants of the party.

Article 54 Where the subject matters of an action is under the same category and one of the parties has numerous litigants but the exact number of the litigants is uncertain when the lawsuit is filed, the people's court may issue a public notice to explain the nature of the case and the claims of the litigation and informing those interested persons who are entitled to the claim to register their rights with the people's court within a fixed period of time.

Those who have registered their rights with the people's court may elect representatives from among themselves to proceed with the litigation; if the election fails its purpose, such representatives may be determined by the people's court through consultation with those who have registered their rights with the court.

The acts of litigation taken by these representatives shall bind all litigants of the party whom they represent. However, any substitution of representatives, relinquishing claims, acceptance of claims of the opposing party, or negotiating settlement shall be approved by the litigants of the party.

The judgments or written orders rendered by the people's court shall bind all those interested persons who have registered their rights with the court. Such judgments or written orders shall apply to those who have not registered their rights but have instituted legal proceedings during the time of the statute of limitation.

Article 55 Relevant bodies and organizations prescribed by the law may bring a suit to the people's court against such acts as environmental pollution, harm of consumers' legitimate interests and rights and other acts that undermine the public interest.

Article 56 If a third party considers that he has the independent right to claim the subject matter of the action of both parties, he shall have the right to bring an action.

If a third party does not have the independent right to claim the subject matter of the action of both parties but the outcome of the case will affect his legal interest, it may file a request to join the litigation or the people's court may notify him to join the litigation. If a people's court holds a third party to bear a civil liability, such a third party shall have the litigation rights as a party to the litigation.

If the third party as stipulated in the preceding two paragraphs fails to participate in the proceedings for reasons not attributable to itself but has evidence to prove that part or the entirety of a judgment, ruling, or mediation agreement with legal effectiveness has errors in content and prejudices its civil rights and interests, it shall, within six months after the date on which it knows or should know its rights and interests are prejudiced, file litigation with the people's court which render such judgment, ruling or mediation agreement. Where the people's court finds the claims are established upon trial, it shall change or cancel the original judgment, ruling or mediation agreement; where the people's court finds the claims are not established upon trial, the claims shall be rejected.

Section 2 Litigation Representatives

Article 57 For litigation-incompetent persons, their guardians shall be their legal representative in their litigations. If all legal representatives try to avoid their duties of representation, the people's court may appoint one of them as the litigation represent.

Article 58 Each party or legal representative may appoint one or two persons to act as his litigation representatives.

The following persons may be appointed as agent ad litem to a case:

- (1) Lawyer, or primary-level legal service provider;
- (2) Near relative or working staff of the party; or
- (3) Citizen recommended by the community, entity or relevant social organization to which the party belongs.

Article 59 When a party entrusts a person to be his litigation representative, he shall submit a power of attorney bearing his signature or seal to the people's court.

The power of attorney must specify the matters and authority scopes entrusted. A litigation representative must possess special authorization from his principal to be able to accept, relinquish, or modify the claim, to reach a settlement, or bring a counterclaim or an appeal.

When a citizen of the People's Republic of China, who is residing abroad, mails or entrusts someone to deliver a power of attorney to China, he shall have the power of attorney certified by the Chinese embassy or consulate to that country. If there is no Chinese embassy or consulate in that country, he shall have the power of attorney certified by an embassy or a consulate of a third country, which has diplomatic relations with the People's Republic of China and is stationed in the country, and then be transferred to the embassy or consulate of the People's Republic of China stationed in that third state for verification; he may have the power of attorney certified by a local patriotic overseas Chinese organization.

Article 60 A party who changes or revokes the authority of his litigation representative shall inform the people's court in writing and the court shall notify the other party of the change or revocation.

Article 61 Lawyers who serve as litigation representatives or other litigation representatives shall have the right to investigate and collect evidence, and may consult relevant materials to the case. The scopes and measures of consulting relevant materials to a case shall be regulated by the Supreme People's Court.

Article 62 For a divorce case in which a party has appointed a litigation representative, that party shall appear in court in person unless he is incapable of expressing his own meaning. A party who is truly unable to appear in court due to a special reason shall submit his opinion in writing to the people's court.

Chapter 6 Evidence

Article 63 Evidence shall include:

- (1) Statements of the parties concerned;
- (2) Documentary evidence;
- (3) Physical evidence;
- (4) Audio-visual materials;
- (5) Electronic data;
- (6) Witness' testimony;
- (7) Expert opinions; and
- (8) Written records for inspection.

Evidence shall be deemed as the grounds for confirmation of facts only after authentication.

Article 64 A party shall have the responsibility to provide evidence in support of its own propositions.

For the evidence that cannot be obtained by any parties or their litigation representatives because of some realistic reasons or for the evidence that the people's court considers necessary for adjudicating the case, the people's court shall investigate and collect such evidence.

The people's court shall, according to the procedure prescribed by law, collect and examine evidence comprehensively and objectively.

Article 65 The parties concerned shall provide evidence in a timely manner to support their claims.

The people's court shall determine the evidence which shall be provided by the parties and the time limit thereof according to the claims of the parties and the progress of the proceedings. Where a party has difficulty in providing evidence within such time limit, it may apply to the people's court for an extension of the time limit and the people's court may extend the time limit appropriately according to the application of the party. Where a party fails to provide evidence in due time, the people's court shall order the

party to explain the reason. Where the party refuses to explain the reason or the reason is not established, the people's court may, as the case may be, reject such evidence, or accept such evidence but give a warning or impose a fine.

Article 66 After receiving the evidentiary materials presented by the party concerned the people's court shall issue a receipt stating the name, number of pages, copies, original or photocopy, and receiving time of the evidence and bear the signature or seal of the handlers.

Article 67 The people's court shall have the authority to obtain evidence from any relevant units or individuals, and such units or individuals may not refuse to provide evidence.

The people's court shall verify and determine the validity of documentary evidence provided by relevant units or individuals.

Article 68 Evidence shall be presented in the court and cross-examined by parties, however, evidence that involves state secrets, trade secrets, or individual privacy shall not be presented in an open court session.

Article 69 The people's court shall take the facts and documents legalized by notarization according to legal procedures as the basis for ascertaining facts, unless there is evidence to the contrary sufficient to invalidate the notarization.

Article 70 Any document submitted as evidence shall be the original one. Physical evidence shall also be original. If it is truly difficult to present the original document or physical evidence, then duplications, photographs, copies, or extracts of the original evidence may be admitted.

If a document in a foreign language is submitted as evidence, a Chinese translation shall be appended.

Article 71 The people's court shall authenticate audio and visual materials and decide whether they can be admitted as a basis for finding the facts after examining them and comparing them with other evidence of the same case.

Article 72 Any entity or individual that knows something about a case has the obligation to testify at court. The responsible person of the relevant entity shall encourage such witness to testify.

A person who is unable to correctly express his meaning shall not testify.

Article 73 Upon the notification of the people's court, a witness shall appear in court to give testimony. A witness may testify in ways such as written testimony, audio-visual transmission technology or audio-visual materials upon the permission of the people's court if the witness is any of the following situations:

- (1) He/she cannot appear in court for health reasons;
- (2) He/she cannot appear in court due to the reason of it necessitating travel over a long distance and inconvenient means of transportation;
- (3) He/she cannot appear in court due to natural disaster or any other force majeure event; or
- (4) He/she cannot appear in court for other justified reasons.

Article 74 The necessary expenses paid by a witness for performance of the obligation of testimony before the court, such as travel expenses, accommodation and meals, as well as the loss of working time shall be borne by the losing party. Where a party applies for testimony to be given by a witness, the expenses shall be advanced by the party. Where the party has not applied for testimony

to be given by a witness, but instead, the people's court notifies a witness under law to testify, their expenses may be advanced by the people's court.

Article 75 The people's court shall examine the statements of the parties in connection with other evidence of the case to decide whether such statements can be taken as a basis for finding the facts.

The refusal of a party to make a statement shall not prevent the people's court from finding the facts of a case based on other evidence.

Article 76 A party may apply to the people's court for expert evaluation of specific issues concerning the facts. In such case, the qualified expert may be determined by the two parties through negotiations. If negotiations fail, the evaluator shall be appointed by the people's court.

Where the party has not applied for expert evaluation but the people's court deems it necessary with regard to certain specific issues, the court shall appoint a qualified expert to conduct expert evaluation.

Article 77 An evaluator has the right to gain access to the case documents required for the expert evaluation, and may conduct inquiry of the parties concerned and witnesses when necessary.

The evaluator shall present the written evaluation opinions and sign or seal the evaluation report.

Article 78 Where a party objects to the evaluation opinions or the people's court deems it necessary for the expert to testify at court, the expert shall appear in court to give testimony. Where the expert refuses to testify at court even after notification by the people's court, the expert evaluation opinions shall not be taken as the basis for ascertaining the facts. The party paying the evaluation expenses may request a refund of the evaluation expenses.

Article 79 The parties concerned may apply to the people's court to notify a person with professional knowledge to appear before court and issue opinions on the expert evaluation opinions issued by the experts or professional issues.

Article 80 When inspecting or examining physical evidence on site, the inspector must show his credentials issued by a people's court. He shall invite the local basic organization or the relevant unit to send personnel to participate in the inspection. The parties concerned or the adult members of their families shall be present; however, their refusal to appear on the scene shall not prevent the inspection from proceeding.

Upon notification by the people's court, the relevant units and individuals shall have the obligation to preserve the site and provide assistance for the inspection.

The inspector and examiner shall prepare a written record for the circumstances and results of the inspection or examination. The inspector, examiner, the party concerned and the invited participants shall affix their signatures or seals to the record.

Article 81 Under the circumstances in which evidence is lost or it will be difficult to collect such evidence in the future, the party concerned may apply to the people's court for preservation of such evidence in the juridical proceedings, and the people's court may also take the initiative to take preservative measures.

Under the emergencies in which evidence is lost or it will be difficult to collect such evidence in the future, an interested party may, before the case or arbitration is filed, apply for preservation of such evidence with the people's court in the place where the evidence to be preserved is located or the place where the respondent is domiciled, or the people's court with jurisdiction over the case.

With regard to other procedures for the preservation of evidence, the relevant provisions of Chapter 9 entitled ‘Preservation’ herein shall apply as a reference.

Chapter 7 Time Periods and Service

Section 1 Time Periods

Article 82 Time periods shall include those prescribed by law and those designated by a people’s court.

Time periods shall be computed by hour, day, month, and year. The hour and day from which a time period begins shall not be computed as within that time period.

If the expiration date of a time period falls on a holiday, the day immediately following the holiday shall be regarded as the expiration date.

A statutory time period shall not include the time spent in transmittal of documents. A litigation document that is mailed before a deadline shall not be regarded as overdue.

Article 83 If a party fails to meet a deadline due to reasons beyond his control or other justifiable reasons, he may petition for an extension of the time limit within 10 days after the obstacle is removed. The requested extension shall be subject to approval by a people’s court.

Section 2 Service

Article 84 A receipt shall be required for every litigation document that is served and it shall bear the signature or seal of the recipient of the service and the date of receipt.

The date of receipt as signed by the recipient of the service shall be regarded as the date the document is served.

Article 85 Litigation documents shall be served directly on the recipient of the service. If the recipient of the service is a citizen, the documents may, in the case of his absence, be served on an adult member of the recipient’s family who lives with him. If the recipient of the service is a legal person or any other organization, the document shall be served on the legal representatives of the legal person, the principal leading personnel of any other organization, the personnel of the legal person or any other organization in charge of receiving such documents; If the recipient of the service has a litigation representative, the documents may be served on the litigation representative. If the recipient of the service has designated an agent to receive his litigation documents and has informed the people’s court of it, the documents may be served on the agent.

The date of receipt as signed by the adult family member living with the recipient of service, or persons in charge of receiving documents of the legal persons or other organizations, or litigation representative, or agents designated to receive his documents shall be regarded as the date the document is served.

Article 86 Where the recipient of service or his adult family member living with him refuses to accept litigation documents, the documents shall be deemed to have been served if the person serving the documents invites the representative of the relevant primary-level organization or the employer of the recipient to explain the situation, and clearly state the cause and date of refusal on the certificate of delivery, and then leaves the litigation documents at the domicile of the person on whom the documents are served, with the signatures or seals of the person serving the documents and the witness affixed, or if the person serving the documents leaves the litigation documents at the domicile of the person on whom the documents are served after recording the whole service process by photographing or video recording.

Article 87 With the consent of the person on whom the documents are served, the people's court may serve litigation documents in such manner that the receipt of the documents can be confirmed by the person on whom the documents are served, including facsimile and e-mail, except for the serving of judgments, rulings or mediation agreements.

Where litigation documents are served in the manner as specified above, the date on which the facsimile or e-mail arrives in the specific system of the recipient shall be the date of service.

Article 88 If direct delivery service of a litigation document proves too difficult, such a service may be entrusted to the other people's court, or it may be served by postal service. If a document is served by post, the date as stated on the receipt shall be regarded as the date the document is served.

Article 89 If the recipient of a service is in the military, the document shall be forwarded to him via the political organ at or above the regimen level in the unit to which the recipient belongs.

Article 90 If the person on whom litigation documents are to be served is serving a term of imprisonment, the documents shall be forwarded to him through the prison authorities where the person is incarcerated.

If the person on whom litigation documents are to be served is undergoing mandatory education measures, the documents shall be forwarded to him through the mandatory education organization where such person is being educated.

Article 91 Any organization or unit that receives a litigation document to be forwarded must immediately deliver it to the recipient of the service for a receipt. The date as stated on the receipt shall be regarded as the date the document is served.

Article 92 If the whereabouts of a recipient is unknown, or if a document cannot be served by the other methods prescribed in this section, the document shall be served by public announcement. Sixty days after the date of the public announcement, the document shall be deemed to have been served.

The reasons for service by public announcement and the procedures taken shall be recorded in the case files.

Chapter 8 Mediation

Article 93 In handling civil cases, the people's court may distinguish between right and wrong and mediate disputes according to the principle of parties' voluntariness and based on clear facts.

Article 94 When a people's court conducts mediation, a single judge or a collegial bench may preside in the mediation. Mediations shall be conducted locally whenever possible.

When a people's court conducts mediation, it may employ simplified methods to notify the parties and witnesses to appear in court.

Article 95 When a people's court conducts mediation, it may request assistance from relevant units or individuals. The invited units or individuals shall assist the people's court in mediation.

Article 96 A mediation agreement must be based on voluntariness of both parties, and shall not be reached through compulsion. The content of the mediation agreement may not contravene the law.

Article 97 When a mediation agreement is reached, the people's court shall draw up a written mediation agreement. A mediation agreement shall clearly set forth the claims of the action, the facts about the case, and the result of the mediation.

The mediation statement shall be signed by the judge and the court clerk, sealed by the people's court, and served on both parties.

Once the mediation agreement is signed and exchanged by both parties, it shall become legally binding.

Article 98 The people's court need not draw up a mediation agreement for the following cases when an agreement is reached through mediation:

- (1) Divorce cases in which both parties have become reconciled after mediation;
- (2) Adoption cases in which adoptive relationship has been retained through mediation;
- (3) Cases in which the claims can be immediately satisfied; and
- (4) Other cases that do not require mediation statements.

Any agreement that does not require a mediation agreement shall be entered into the transcript and become legally effective after the transcript is signed or sealed by both parties, the judge, and the court clerk.

Article 99 If no agreement is reached through mediation or if one party retracts his reconciliation before the mediation agreement is served, the people's court shall render a judgment without delay.

Chapter 9 Preservation and Advance Enforcement

Article 100 In cases where the execution of a judgment may become impossible or difficult or otherwise harmful to the parties concerned because of the acts of one party or for other reasons, the people's court may, upon the application of the other party, make a ruling to preserve the assets of the other party or order the other party to perform certain acts or to prohibit the other party from committing certain acts; where no application is filed by either party, the people's court may also rule to take preservation measures when it deems it necessary.

In adopting property preservation measures, the people's court may order the applicant to provide security; if the applicant fails to provide security, his application shall be rejected.

In the case of emergency, the people's court shall make a ruling within 48 hours after receiving the application. Where the people's court rules to take preservation measures, the ruling shall be enforced immediately.

Article 101 Any interested party whose legitimate rights and interests would, due to urgent circumstances, suffer irreparable damage without an immediate application for property preservation, may, before filing a lawsuit, apply to the people's court in the place where the applicant is located or the people's court which has jurisdiction over the case for the adoption of property preservation measures. The applicant shall provide security; if the applicant fails to do so, his application shall be rejected. The people's court shall make a ruling within 48 hours after receiving the application. Where it rules to take preservation measures, the ruling shall be enforced immediately.

Where the applicant fails to institute legal proceedings or apply for arbitration within 30 days in accordance with the law after the people's court takes preservation measures, the people's court shall rescind the said measures.

Article 102 Preservation shall be limited to the scope of the claims or to the property relevant to the case.

Article 103 Property preservation shall be effected by sealing up, seizure, freezing or other methods as prescribed by the law. After the people's court has preserved the property, it shall promptly notify the person whose property has been preserved.

Property that has already been sealed up or frozen shall not be sealed up or frozen for a second time.

Article 104 In cases involving property disputes, if the person against whom the application for preservation is filed provides security, the people's court shall cancel the preservation.

Article 105 Where an application is wrongfully filed, the applicant shall compensate the person against whom the application for preservation is filed for any loss incurred from the preservation.

Article 106 The people's court may, at the request of a party, order the measures for the following cases to be enforced in advance:

- (1) Cases involving claims of alimonies, supports for children or elders, pension for the disabled or the family of a decedent, or expenses for medical care;
- (2) Cases involving claims of wages; and
- (3) Cases involving urgent circumstances that require enforcement in advance.

Article 107 The people's court shall make sure the following conditions are met before making a ruling to conduct advance enforcement:

- (1) The relationship of rights and obligations between the parties is definite, and the refusal of advance enforcement would seriously affect the life or business operation of applicants; and
- (2) The party against whom the application for advance enforcement is filed is capable of fulfilling the obligations involved in the advance enforcement.

The people's court may order the applicants to provide securities; if an applicant fails to do so, his application may be rejected. If the applicant loses the lawsuit, he shall compensate the party against whom the application for advance enforcement is filed for any loss incurred from the advance enforcement.

Article 108 If a party is not satisfied with an order on preservation or advance enforcement, he may apply for reconsideration that can be granted only once. However, the enforcement of the order shall not be suspended during the time of reconsideration.

Chapter 10 Compulsory Measures against Obstruction of Civil Actions

Article 109 If a defendant who is required to appear in court has been served twice with subpoena but still refuses to appear in court without legitimate reason, the people's court may summon him to court by force.

Article 110 All litigation participants and other persons shall abide by the court rules.

For those persons who violate the court rules, the people's courts may reprimand them, evict them from the courts, or impose a fine or detention on them.

For those persons who create uproars, disturb courtrooms, insult, slander, threat, or assault adjudicating personnel, or seriously disrupt the order of courtrooms, the people's court shall investigate them for criminal liabilities according to law; if the circumstances are minor, a fine or detention may be imposed on the offender.

Article 111 Where any litigation participants or any other persons commit any of the following acts, the people's courts shall impose a fine or detention on them based on the circumstances; if a crime is committed, the people's court shall investigate them for criminal liabilities according to law.

- (1) Forging or destroying significant evidence, which would obstruct the a people's court's adjudication of a case;
- (2) Using violence, threats, or bribery to hinder a witness from giving testimony, or instigating, bribing, or coercing others to commit perjury;
- (3) Concealing, transferring, selling, or destroying any properties that have been seized or detained, or any properties that have been inventoried and ordered by a court under the offenders' custody, or transferring the property that has been frozen;
- (4) Insulting, slandering, incriminating with false charges, beating up, or retaliating adjudicating personnel, litigation participants, witnesses, interpreters, experts witnesses, inspectors, or personnel assisting in enforcement; or
- (5) Using violence, threats, or other means to hinder adjudicating personnel from performing their duties; or
- (6) Refusing to comply with legally effective judgments or orders rendered by a people's court.

Where a unit commits any of the following acts stipulated in the preceding paragraph, the people's courts may impose a fine or detention on the principal leading personnel of the unit or the person directly responsible; if a crime is committed, the people's court shall investigate them for criminal liabilities according to law.

Article 112 Where the parties concerned collude with each other in bad faith attempting to encroach on the others' rights and interests through litigation or mediation, the people's court shall reject his application, and impose a fine on him or detain him according to the seriousness of the circumstances; if a crime is constituted, his criminal responsibility shall be investigated according to the law.

Article 113 Where a person subject to execution colludes with other people in bad faith attempting to evade obligations specified in the legal documents through litigation, arbitration or mediation, the people's court shall, according to the seriousness of the circumstances, impose a fine on him or detain him; if a crime is constituted, his criminal responsibility shall be investigated according to the law.

Article 114 If an entity that has an obligation to assist in judicial investigation or enforcement commits any of the following acts, the people's court may order the entity to perform its obligation but also impose a fine on the entity:

- (1) Refusing or obstructing a people's court from investigation or collecting evidence;
- (2) Refusing to assist in inquiring into, seizing, freezing, transferring or appraising the said property by the entity concerned after receiving a notice for assistance in execution from the people's court.
- (3) After receiving a notification on assistance in enforcement from the people's court, refusing to assist in withholding the income of a party subject to enforcement or handling the transfer of property titles, relevant negotiable instruments, certificates and licenses, or other properties; or

(4) Refusing to provide other assistance in enforcement order by court.

With respect to an entity that commits any of the acts specified in the preceding paragraph, the people's court may impose a fine on the principal leading personnel of the entity or the person directly responsible; and may detain them if they still fail to perform the obligation to provide assistance; and may also make judicial suggestions to the supervisory organ or other relevant organs on imposing a disciplinary sanction on the entity.

Article 115 Any fine imposed on an individual shall be less than RMB100,000; any fine imposed on an entity shall be between RMB50,000 and RMB1,000,000.

A detention period shall not be longer than fifteen days.

The people's court shall deliver detainees to a public security organ for custody. The people's court may decide to grant the detainee an early release if he admits and is willing to correct his wrongdoing.

Article 116 Any summons by force, fines, or detentions shall be approved by the president of a people's court.

A warrant shall be issued before carrying out a summon by force.

The rulings of fines and detentions shall be issued in written letter form. If a party does not agree with a decision, he may apply to a people's court at a higher level for reconsideration and the reconsideration can be granted only once. However, the enforcement of the decision shall not be suspended during the time of reconsideration.

Article 117 Any decision on the adoption of compulsory measures against obstruction of civil actions shall be made by the people's court. Any entity or individual pressing a debt payment by unlawfully detaining a person or illegally seizing other people's property shall be investigated for criminal liabilities according to law or may be punished by detention or fine.

Chapter 11 Litigation Expenses

Article 118 Any party filing a civil lawsuit shall pay a case handling fee according to relevant regulations. For cases involving property, the party shall pay other litigation expenses, in addition to case handling fee.

Parties who truly have difficulties to pay litigation expenses may, according to relevant regulations, petition the people's court to postpone, reduce, or waive the payment.

Procedures for the payment of litigation expenses shall be formulated separately.

Part Two Trial Procedure

Chapter 12 Ordinary Procedure of First Instance

Section 1 Filing and Accepting Lawsuits

Article 119 The following conditions must be met before a lawsuit is filed:

- (1) The plaintiff must be a citizen, legal person, or an organization having a direct interest with the case;
- (2) There must be a specific defendant;

(3) There must be a concrete claim, a factual basis, and a cause for the lawsuit; and

(4) The lawsuit must be within the scope of civil lawsuits to be accepted by the people's courts and within the jurisdiction of the people's court to which the lawsuit is filed.

Article 120 When filing a lawsuit, the motion of complaint shall be submitted to the people's court with enough copies of the motion for all members of defendants.

If a plaintiff is truly difficult to write a motion of complaint, he may file his complaint orally, and the court shall record his complaint in the transcript and inform the other party.

Article 121 A motion of complaint shall clearly state the following items:

(1) The name, gender, age, ethnic status, occupation, work unit, address, and contact information of the plaintiff, the name and address of the legal person or other organization, and the name, position and contact information of the legal representative or person in charge;

(2) The name, gender, work unit, address of the defendant, and the name, address and other information of the legal person or other organization.

(3) The claims of the lawsuit and the facts and grounds on which the lawsuit is based; and

(4) Evidence and its source, as well as the names and addresses of witnesses.

Article 122 Wherever appropriate, mediation shall be adopted for civil disputes before they are brought to the people's court, unless the parties thereto refuse mediation.

Article 123 The people's court shall safeguard the parties' right to institute litigation according to the law and must accept the lawsuits filed in conformity with the provisions of Article 119 of this Law. If the suit meets the requirements for acceptance, the court shall place the case on the docket within seven days and notify the parties concerned. If the suit does not meet the requirements for acceptance, the court shall make a ruling within seven days regarding rejection of the suit. If the plaintiff is dissatisfied with the ruling, he may file an appeal.

Article 124 With respect to lawsuits described below, the people's court shall deal with them in light of their specific circumstances:

(1) For the cases within the scope of administrative lawsuits according to the provisions of the Administrative Procedure Law, the plaintiffs shall be informed to file administrative lawsuits;

(2) If, according to the law, both parties have reached a written agreement to submit their dispute to an arbitral organ for arbitration and they may not institute legal proceedings with a people's court, the people's court shall notify the plaintiff to apply to the arbitral organ for arbitration;

(3) For the disputes which, according to law, should be handled by other organs, the plaintiffs shall be notified to petition the relevant organs for settlement;

(4) For the cases that are not within their jurisdictions, the people's courts shall notify the plaintiffs to bring their lawsuits to the proper people's courts that have the jurisdictions;

(5) With respect to a case in relation to which a judgment, ruling or mediation decision has already taken legal effect, if one party brings a suit again, the people's court shall notify the plaintiff to apply for a retrial, except for a ruling in which the people's court permits the withdrawal of a suit;

(6) If cases that are not permitted by law to be filed within a specified period of time are filed during the same period of time, they shall not be accepted by any courts; or

(7) For those divorce cases in which the judgments did not grant divorce or both parties have become reconciled after mediation and for those adoption cases in which the judgments have been given to maintain the adoptive relationship or that have been mediated to maintain the adoptive relationship, if there is no new developments or reasons, the plaintiffs are barred from filing new lawsuits regarding the same cases in six months.

Section 2 Pretrial Preparation

Article 125 The people's court shall send a copy of the statement of complaint to the defendant within five days from the date of accepting the case, and the defendant shall file a statement of defence within 15 days from the date of receipt of the copy of the statement of complaint. The statement of defence shall state the name, gender, age, ethnic status, occupation, work unit, address, and contact information of the defendant, the name and address of the legal person or other organization, and the name, position and contact information of the legal representative or person in charge. The people's court shall send a copy of the statement of defence to the plaintiff within five days from the date of its receipt.

Failure by the defendant to file a statement of defence shall not affect the trial of the case by the people's court.

Article 126 When a people's court decides to accept a case, the court shall inform the parties orally or in the notice of case acceptance or in the notice of litigation response, with their rights and obligations to the litigation.

Article 127 If a party rejects the jurisdiction of his case after the case was accepted by a people's court, the party shall raise the rejection during the period for submitting briefs. The people's court shall examine such objection. If the objection is tenable, the people's court shall rule that the case be transferred to the people's court that does have jurisdiction over the case; if the rejection is untenable, the people's court shall overrule the objection.

Where a party responds to an action without challenging the jurisdiction, the people's court accepting the case shall be deemed to have the jurisdiction, provided that there is no violation of the provisions on hierarchical jurisdiction and exclusive jurisdiction.

Article 128 The parties shall be notified within three days after the members of a collegial bench are decided.

Article 129 The adjudicating personnel shall carefully examine the case materials and carry out investigation and collection of necessary evidence.

Article 130 The personnel sent by a people's court to conduct an investigation shall first show their credentials to the person being investigated.

The written record of an investigation shall be checked by the person investigated and then signed or sealed by both the investigator and the investigated.

Article 131 A people's court may, when necessary, entrust a people's court in another locality to conduct an investigation.

The entrusting people's court shall clearly set out the matters and requirements of the entrusted investigation. The entrusted people's court may, on its own initiative, conduct further investigation.

The entrusted people's court shall complete the investigation within 30 days after receiving the letter to entrust the investigation. If for some reasons the entrusted court cannot complete the investigation, it shall notify the entrusting people's court in writing within the 30 days.

Article 132 When a party who must appear in a joint litigation but fails to do so, the people's court shall notify him to participate in the proceeding.

Article 133 The people's court shall handle the accepted lawsuits in light of their specific circumstances:

- (1) Where the parties concerned have no dispute and the requirements of the procedure for hastening debt recovery are met, such procedure may be initiated;
- (2) Where mediation may be conducted before trial, mediation shall be conducted to timely solve the dispute;
- (3) The summary procedures or ordinary procedures may be applied according to the specific conditions of the case; and
- (4) Where a court session is needed, the focus of the dispute may be clarified through requiring the parties concerned to swap evidence or by other means.

Section 3 Courtroom Trial

Article 134 Civil cases adjudicated by people's courts shall usually be heard publicly, except for the cases that involve state secrets or the private affairs of individuals, or are otherwise provided by law.

A divorce case or a case involving trade secrets may not be heard publicly if a party so requests.

Article 135 When adjudicating civil cases, the people's courts may, whenever necessary and possible, send out circuit tribunals to hold trials on the spot.

Article 136 The people's court shall notify the parties and other participants in a civil case three days before the opening of a court session. If a case is to be heard publicly, the names of the parties, the cause of action, and the time and location of the court session shall be announced publicly.

Article 137 Before a court session is called to order, the court clerk shall find whether or not the parties and other participants of the case are present and announce the rules of court order.

At the beginning of a trial, the presiding judge shall check the identities of parties who appear in court, announce the cause of action and the names of the adjudicating personnel and court clerks, inform the parties of their relevant litigation rights and obligations, and ask the parties whether or not they wish to apply for the withdrawal of any court personnel.

Article 138 Courtroom investigation shall be conducted in the following order:

- (1) Opening statements presented by both parties;

(2) Informing the witnesses of their rights and obligations, testimonies given by the witnesses, and reading the statements of absentee witnesses;

(3) Presenting documentary evidence, physical evidence, audio-visual material and electronic data.

(4) Reading the expert opinions; and

(5) Reading the transcripts of investigation and examination.

Article 139 The parties may present new evidence during a court session.

With the permission of the court, the parties may cross-examine witnesses, expert witnesses, and inspectors.

The parties may request a new investigation, expert evaluation, or inspection and such requests are subject to the approval of the people's court.

Article 140 The additional claims of a plaintiff, the counterclaims of a defendant, and the claims of any third-party related to the same case may be combined and tried together.

Article 141 Courtroom debates shall be conducted in the following order:

(1) Opening statement presented by the plaintiff and his litigation representative;

(2) Responding statement presented by the defendant and his litigation representative;

(3) Statements or defending statements presented by third parties and their litigation representatives; and

(4) Debate between the two sides.

At the end of a courtroom debate, the presiding judge shall ask each side to present his final opinions in the order of plaintiff going first, defendant second, and third party last.

Article 142 At the end of a courtroom debate, a judgment shall be made according to law. Where mediation is possible prior to the rendering of a judgment, a session of mediation may be conducted; if mediation proves to be unsuccessful, a judgment shall be made without delay.

Article 143 If a plaintiff who has been served with a legal subpoena from a people's court refuses to appear in court without proper reason, or if he walks out during a court session without the permission of the court, the court may consider the plaintiff has withdrawn his complaint; under these two circumstances, if the defendant files a counterclaim, the court may enter a default judgment.

Article 144 If a defendant who has been served with a legal subpoena from a people's court refuses to appear in court without proper reason, or if he walks out during a court session without the permission of the court, the court may enter a default judgment.

Article 145 If a plaintiff applies to withdraw his complaints before a judgment is rendered, the people's court shall make a ruling regarding the application.

If a people's court decides to reject an application of withdrawing a complaint and the plaintiff who has been served with a subpoena refuses to appear in court without proper reason, the people's court may enter a default judgment.

Article 146 Under any of the following circumstances, their trials at courtroom may be postponed:

- (1) Parties and other litigation participants who must appear in court fail to appear in court without proper reasons;
- (2) A party requests the recusal of an adjudicating personnel without an advance notice;
- (3) It is necessary to summon new witnesses to court, collect new evidence, make a new expert evaluation, hold another examination, or make a supplementary investigation; or
- (4) Other circumstances that require the postponement.

Article 147 The court clerk shall record the entire court proceedings into a transcript and the transcript shall be signed by the adjudicating personnel and the court clerk.

The courtroom transcript shall be read out in court or the parties and other litigation participants may be notified to read the transcript while in court or come to court to read the transcript within five days. If a party or other litigation participants consider that there are omissions or errors in the transcript regarding their statements, they shall have the right to apply for additions or corrections. If such additions or corrections are not made, their application shall be recorded into the case file.

The courtroom transcript shall be signed or sealed by the parties and other litigation participants. If there is any refusal to do so, the refusal shall be recorded in a note to be attached to the file.

Article 148 People's courts shall publicly pronounce their judgments in all case regardless if the cases were tried publicly or privately.

If a judgment is pronounced in court, the written judgment shall be issued and delivered within ten days; if a judgment is pronounced later on a fixed date, the written judgment shall be issued immediately after the pronouncement.

Upon pronouncement of a judgment, the parties must be informed of their right of appeal, the time limit for appeal, and the court to which they may appeal.

Upon pronouncement of a divorce judgment, the parties must be informed that none of them can marry another person before the judgment takes legal effect.

Article 149 A people's court shall complete the adjudication of a case to which ordinary procedure is applied within six months after the case is accepted. Where an extension of the term is necessary for special circumstances, a six-month extension may be given upon the approval of the president of the court. Any further extension shall be reported to the people's court at a higher level for approval.

Section 4 Lawsuit Suspension and Conclusion

Article 150 A lawsuit shall be suspended if it involves any of the following circumstances:

- (1) One of the parties dies and it is necessary to wait for his successor to express whether he would participate in the proceedings;

- (2) One of the parties has lost the capacity to engage in litigation and his litigation representative has not been designated;
- (3) The legal person or any other organization as one of the parties has terminated, and the person succeeding to its rights and obligations has not been determined;
- (4) One of the parties is unable to participate in the proceedings for reasons of force majeure;
- (5) The current case is dependent on the results of the trial of another case that has not yet been concluded; or
- (6) Other circumstances warrant the suspension of the lawsuit.

The proceedings shall resume after the causation of suspension is eliminated.

Article 151 A lawsuit shall be ended, if it involves any of the following circumstances:

- (1) The plaintiff dies without a successor, or the heir waives his right of litigation;
- (2) The defendant dies without estate or anyone to assume his obligations;
- (3) In a divorce case, one of the parties dies, or
- (4) In a case involving claims for overdue alimony, support of children or elders, or a claim for the termination of adoptive relationship, one of the parties dies.

Section 5 Judgments and Rulings

Article 152 A judgment shall state the outcome of the judgment and causes, and shall include the following content:

- (1) The cause of action, claims, and the facts and reasons of disputes;
- (2) The facts and causes affirmed by the judgment, applicable laws and causes.
- (3) The consequences of a judgment and the obligation of litigation costs; and
- (4) The time limit for filing an appeal and the appellate court with which the appeal shall be filed.

The judgment shall be signed by the adjudicating personnel and the court clerk, and the seal of the people's court shall be affixed to it.

Article 153 If some of the facts in a case being adjudicated by a people's court have already been clear, the court may render judgments regarding these facts first.

Article 154 Rulings shall be applicable to the following:

- (1) Rejection of a lawsuit;
- (2) Objection to the jurisdiction of a court;

- (3) Rejection of a complaint;
- (4) Preservation and advance enforcement;
- (5) Approval or disapproval of withdrawal of a lawsuit;
- (6) Suspension or ending of a lawsuit;
- (7) Correction of typos in a judgment;
- (8) Suspension or termination of enforcement;
- (9) Cancellation of or refusal to enforce an arbitration award;
- (10) Refusal of enforcing a document of creditor's rights issued by a notary office; or
- (11) Other matters to be decided by a ruling.

An appeal may be lodged against a ruling in Items (1), (2) and (3) mentioned above.

A written ruling shall specify the results of the ruling and reasons thereof, and shall be signed by the judicial officers and the court clerk, with the seal of the people's court affixed thereto. If it is issued orally, the ruling shall be entered in the record.

Article 155 All judgments and rulings rendered by the Supreme People's Court, as well as judgments and rulings against which shall not be appealed according to law or have not been appealed within the prescribed time limit, shall be legally effective.

Article 156 The public may consult the legally effective judgments and rulings, except those involving State secrets, business secrets and personal privacy.

Chapter 13 Summary Procedure

Article 157 When adjudicating simple civil cases in which facts are clear, the relations of rights and obligations are definite, and disputes are minor, the basic people's courts or their dispatched tribunals may apply the summary procedure stipulated in this Chapter.

For civil cases other than those specified in the preceding paragraph that are tried by the primary people's courts and their dispatched tribunals, the parties thereto may also reach an agreement on adopting the summary procedure.

Article 158 For simple civil cases, their plaintiffs may file their complaints orally.

Both parties may appear at the same time in a basic people's court or its dispatched tribunal for a solution of their dispute. The basic people's court or its dispatched tribunal may adjudicate the case immediately or set a date for the trial.

Article 159 In trying a simple civil case, the primary people's court or its dispatched tribunal may use simplified methods to summon the parties and witnesses, serve litigation documents and try the case, provided that the rights of the parties concerned to make statements are guaranteed.

Article 160 A simple civil case shall be tried by one judge alone and the trial of such cases shall not be restricted by the provisions of Articles 136, 138, and 141 of this Law.

Article 161 The people's court shall complete the adjudication of a case to which the summary procedure is applied within three months after the case is accepted.

Article 162 With regard to a simple case tried by the primary people's court or its dispatched tribunal, that meets the requirements stipulated in Paragraph 1 of Article 157, with a dispute amount lower than 30% of the annual average salary of employees of the relevant province, autonomous region or municipality directly under the Central Government in the previous year, the judgment of first instance shall be final.

Article 163 If the people's court finds it improper to adopt the summary procedure for a case during the trial of the case, it may rule to adopt the ordinary procedure for such case.

Chapter 14 Procedure of Second Instance

Article 164 If a party disagrees with a judgment rendered by a local people's court of first instance, he shall have the right to file an appeal with the people's court at the next higher level within 15 days from the date when the written judgment is served.

If a party disagrees with a ruling made by a local people's court of first instance, he shall have the right to file an appeal with a people's court at the next higher level within 10 days from the date when the written ruling is served.

Article 165 When filing an appeal, a motion of appeal shall be submitted. A motion of appeal shall include the names of all parties, the names of legal persons and their legal representatives, or the names of other organizations and their principal leading personnel; the name of the people's court where the case was originally tried, the docket number, and the cause of action; and the claims and reasons of appeal.

Article 166 A motion of appeal shall be submitted via the people's court that originally tried the case and the copies of the motion shall be prepared according to the number of people or representatives in the opposing party.

If a party appeals directly to a people's court of second instance, the court shall, within five days, transfer the motion of appeal to the people's court that originally tried the case.

Article 167 Within five days after receiving a motion of appeal, the people's court that originally tried the case shall deliver the copies of the motion of appeal to the appellee. After receiving the copies of the motion of appeal, the appellee shall submit its motion of defense within 15 days. The people's court shall, within five days from receiving the motion defense, deliver the copies of the motion of defense to the appellant. Failure by the appellee to submit a motion of defense shall not prevent the case from being adjudicated by the people's court.

After receiving the motion of appeal and the motion of defense, the people's court that originally tried the case shall, within five days, deliver them together with the entire case file and evidence to the people's court of second instance.

Article 168 A people's court of second instance shall review the facts and the law used in an appellate case.

Article 169 With respect to a case of appeal, the people's court of second instance shall form a collegial panel to conduct an open trial. After consulting the files, making investigations and making inquiries of the parties, for a case with no new facts, evidence or causes raised, if the collegial panel considers that it is not necessary to conduct an open trial, an open trial may not be conducted.

A people's court of second instance may try an appellate case in its own courthouse or in the place where the case originated or where the people's court that originally tried the case is located.

Article 170 After trying a case of appeal, the people's court of second instance shall handle the case in light of the following situations:

(1) If, in the original judgment or ruling, the facts are clearly ascertained and the law and regulations are correctly applied, the people's court of second instance shall reject the appeal and make a judgment or ruling to affirm the original judgment or ruling;

(2) If, in the original judgment or ruling, the facts are incorrectly ascertained or the law and regulations are incorrectly applied, the people's court of second instance shall make a judgment or ruling to amend, cancel or change the judgment or ruling in accordance with the law;

(3) If, in the original judgment, the facts are not clearly ascertained, the people's court of second instance may make a ruling to cancel the original judgment, remand the case to the people's court of original instance for retrial, or the people's court of second instance may amend the judgment after investigating and ascertaining the facts; and

(4) If there is serious violation of legal procedures in making the original judgment, for instance, the judgment is made without the presence of the parties concerned or a default judgment is made in violation of the law, the people's court of second instance shall rule to cancel the original judgment and remand the case to the people's court of original instance for retrial.'

With respect to an appeal lodged by the parties concerned after the people's court of original instance has retried the case, the people's court of second instance shall not remand the case for retrial again.

Article 171 A people's court of second instance shall use rulings to rule on all appellate cases that appealed against the rulings made by the people's court of first instance.

Article 172 When adjudicating an appellate case, the people's court of second instance may offer mediation for the parties. If an agreement is reached through mediation, a mediation statement shall be made and signed by the adjudicating personnel and the court clerk, and the seal of the people's court shall be affixed to it. After the mediation statement has been delivered, the judgment rendered by the people's court that originally tried the case shall be considered rescinded.

Article 173 If an appellant requests to withdraw his appeal before the people's court of second instance pronounces its judgment, the court shall rule to approve or disapprove such a request.

Article 174 When a people's court of second instance adjudicates an appeal, it shall apply the ordinary procedure of first instance unless otherwise stipulated in this Chapter.

Article 175 The judgments and rulings of a people's court of second instance shall be final.

Article 176 When adjudicating an appeal from a judgment, the people's court shall make a final judgment within three months after the appeal was accepted for an adjudication of second instance. Any extension of the term necessitated by special circumstances shall be subject to the approval of the president of the court.

When adjudicating an appeal from a ruling, the people's court shall make a final ruling within 30 days after the case was accepted for an adjudication of second instance.

Chapter 15 Special Procedure

Section 1 General Provisions

Article 177 When the people's court tries cases concerning the qualification of voters, the declaration of a person as missing or dead, the determination of legal incapacity or restricted legal capacity of a citizen, the determination of a property as ownerless, the confirmation of a mediation agreement and the realization of real rights for security, the provisions of this Chapter shall apply. For matters not covered in this Chapter, the relevant provisions of this Law and other laws shall apply.

Article 178 For cases to be adjudicated according to the procedure stipulated in this Chapter, the system of one trial to conclude a case shall be applied. A collegial bench of judges shall be formed for the adjudication of any cases involving the credentials of voters, or any major, difficult, or complicated cases; and all the other kinds of cases shall be tried by one judge alone.

Article 179 If a people's court, while adjudicating a case according to the procedure stipulated in this Chapter, discovers that the case involves a dispute over civil rights and interests, it shall make a ruling to terminate the special procedure and inform the interested parties that they may bring a new lawsuit.

Article 180 When adjudicating a case to which special procedure is applied, the people's court shall conclude the adjudication within one month after the case is accepted or within one month from expiration of the term set forth in the public announcement. Any extension of the term necessitated by special circumstances shall be subject to the approval of the president of the court. However, this article does not apply to the adjudication of voters' credentials.

Section 2 Cases Concerning the Credentials of Voters

Article 181 If citizens refuse to accept an election committee's decision on an appeal concerning the credentials of voters, they may, in five days before the election day, bring a lawsuit in the basic people's court located in their electoral districts.

Article 182 After a people's court has accepted a case concerning the credentials of voters, it must conclude the case before the election day.

The plaintiff, the representative of the election committee, and the relevant citizens shall participate in the proceedings.

The written judgment of the people's court shall be delivered to the election committee and the plaintiff before the election day, and the relevant citizens shall be notified of the judgment.

Section 3 Cases Concerning the Declaration of Missing or Dead Persons

Article 183 Where a citizen whose whereabouts have been unknown for two years and the interested party pleads for the declaration of the person to be missing, the pleading shall be filed with the basic people's court in the locality where the missing person has his domicile.

The pleading shall clearly state the facts and time of the disappearance as well as the action requested, and documentary evidence from a public security organ or other relevant organs concerning the disappearance of the citizen shall be appended.

Article 184 Where a citizen whose whereabouts have been unknown for four years or whose whereabouts have been unknown for two years after an accident in which he was involved, or whose whereabouts have been unknown after an accident in which he was involved and whose surviving chance is impossible based on the evaluation of a relevant authority, and if the interested party pleads for the declaration of the citizen to be dead, the pleading shall be filed with the basic people's court in the locality where the missing person has his domicile.

The pleading shall clearly state the facts and time of the disappearance as well as the action requested, and documentary evidence from a public security organ or other relevant organs concerning the disappearance of this citizen shall be appended.

Article 185 After accepting a case concerning a declaration of a missing or dead person, the people's court shall issue a public announcement to search for the missing person. The time period to declare a person is missing shall last for three months, and the time period to declare a person is dead shall last for one year. Where a citizen's whereabouts have been unknown after an accident in which he was involved and his surviving chance is impossible based on the evaluation of a relevant authority, the time limit to declare such a person is dead shall be three months.

Upon the expiration of the time period for the public announcement, the people's court shall, depending on whether the facts about the missing or death of a person can be confirmed, make a judgment to declare the person is missing or dead, or make a judgment to reject such a pleading.

Article 186 Should a citizen who was declared as a missing or dead person by a people's court reappear, the people's court shall, upon the application of that person or an interested party, make a new judgment to nullify the previous one.

Section 4 Cases Concerning the Determination of Citizens' Capacities in Civil Conducts

Article 187 A pleading for determining if a citizen has limited capacity or does not have capacity in civil conduct shall be filed by the citizen's close relatives or any other interested party with the basic people's court in the locality where the citizen has his domicile.

The pleading shall clearly state the facts and grounds on which the citizen's incompetence or limited capacity in civil conducts is claimed.

Article 188 After accepting such a pleading, the people's court shall, when necessary, appoint an expert to perform an evaluation on the citizen whom is pleaded to have incompetent or limited capacity in civil conducts; if the petitioner has already provided an expert opinion, the people's court shall review the opinion.

Article 189 When a people's court adjudicates a case to determine if a citizen has incompetent or with limited capacity in civil conduct, a close relative of the citizen shall be the litigation representative unless he is also the petitioner. If none of the close relatives are willing to assume the responsibility as the litigation representative, the people's court shall appoint one of them as a litigation representative for the citizen. If the citizen's state of health permits, the people's court may also question the citizen.

If the people's court is convinced, after adjudication, that the pleading is based on facts, it shall make a judgment to determine the citizen has incompetent or limited capacity in civil conduct; if the court finds that the pleading is not based on facts, it shall make a judgment to reject the plead.

Article 190 Based on a pleading filed by a person who was found to have incompetent or limited capacity in civil conduct or filed by his guardian, if the people's court finds that the causation that makes the person to have incompetent or limited capacity in civil conduct has disappeared, it shall make a new judgment to nullify the previous one.

Section 5 Cases Concerning the Determination of Ownerless Property

Article 191 A petition for determining a property to be ownerless shall be filed by a citizen, legal person, or an organization with the basic people's court located in the place where the property is located.

The petition shall clearly state the type and quantity of the property and the grounds on which the petition for determining the property to be ownerless is filed.

Article 192 After accepting such a petition, the people's court shall review and verify the petition and then issue a public announcement to see if anyone would claim the property. If no one claims the property for a year after the public announcement was issued, the people's court shall make a judgment to declare the property is ownerless and turn the property over to the treasury of the state or a collective unit.

Article 193 After a property was determined by a judgment to be ownerless, if the owner of the property or his successor emerges, he may claim the property within the statutory limitation proscribed in the General Principle of Civil Law, the people's court shall, after examination and verification, make a new judgment to nullify the previous one.

Section 6 Cases Involving Confirmation of Mediation Agreement

Article 194 An application for judicial confirmation of a mediation agreement shall be jointly filed by the two parties within 30 days from the effective date of the mediation agreement with the primary people's court in the place where the mediation organization is located in accordance with the People's Mediation Law and other relevant laws.

Article 195 The people's court shall make a ruling to determine the validity of the mediation agreement after accepting the application and confirming that the application is in conformity with the law. If one party refuses to perform or fails to completely perform the ruling, the other party may apply to the people's court for execution. The application shall be rejected if it is not in conformity with the law. Both parties may change the agreement through mediation or reach a new mediation agreement or bring a lawsuit before the people's court.

Section 7 Cases Involving the Realization of Real Rights for Security

Article 196 An application for realizing real rights for security shall be filed by the holder of real rights for security or other persons having the right to request the realization of the real rights for security with the primary people's court in the place where the property is located or where the real right for security is registered in accordance with the Property Law and other relevant laws.

Article 197 The people's court shall make a ruling on auctioning or selling the said property after accepting the application and confirming that the application is in conformity with the law. The party may apply to the people's court for enforcement according to the ruling. The application shall be rejected if it is not in conformity with the law and the parties concerned may bring a lawsuit before the people's court.

Chapter 16 Procedure of Adjudication Supervision

Article 198 If the president of a people's court at any level discovers that a legally effective judgment, ruling or mediation agreement made by his court indeed contains an error and deems it necessary to have the case retried, he shall refer it to the judicial committee for discussion and decision.

If the Supreme People's Court discovers that a legally effective judgment, ruling or mediation agreement made by a local people's court at any level indeed contains an error, or if a people's court at a higher level discovers that a legally effective judgment, ruling or mediation agreement made by a people's court at a lower level indeed contains an error, they shall have the power to bring the case up for trial by themselves or direct the people's court at a lower level to conduct a retrial.

Article 199 If the parties concerned believe that there is an error in a legally effective judgment or ruling, they may apply to the people's court at the next higher level for a retrial. If one party to the case comprises a large number of persons, or both parties to the case are citizens, they may also apply to the people's court of original instance for retrial. However, the execution of the judgment or ruling shall not be suspended during the application.

Article 200 If a petition for retrial made by a party involves any of the following circumstances, the people's court shall retry the case:

- (1) There is new evidence which is conclusive enough to overrule the original judgment or ruling;
- (2) The main evidence used in the original judgment or ruling to find the facts was insufficient;
- (3) The main evidence used in the original judgment or ruling to find the facts was forged;
- (4) The main evidence used in the original judgment or ruling to find the facts was not cross-examined;
- (5) The parties concerned are unable to collect the main evidence of the case by themselves for objective reasons and apply for help to the people's court, but the people's court fails to collect such evidence;
- (6) There was an error in the application of the law in the original judgment or ruling;
- (7) The trial organization was unlawfully formed or the adjudicators that should withdraw have not done so;
- (8) The person incapable of action is not represented by a legal agent, or the party that should participate in the litigation failed to do so because of the reasons not attributable to himself or his legal agent;
- (9) The party's right to debate was deprived of in violation of the law;
- (10) The default judgment in the absence of the party was made whereas that party was not served with summons;
- (11) Some claims were omitted or exceeded in the original judgment or ruling;
- (12) The legal document on which the original judgment or ruling was made is cancelled or revised; or
- (13) The judicial officers have committed embezzlement, accepted bribes, engaged in malpractices for personal benefits or perverted the course of law when trying the case.

Article 201 For a legally effective mediation statement, if evidence provided by a party proves that the mediation violates the principle of voluntariness and the content of the mediation statement is in violation of the law, the party may plead for a re-adjudication. The people's court shall, upon examination and verification, re-adjudicate the case.

Article 202 With respect to a legally effective judgment or mediation agreement on dissolution of marriage, neither of the two parties shall apply for a retrial.

Article 203 A party that applies for retrial shall submit a retrial petition and other materials. The people's court shall, within five days after receiving the retrial petition, serve the duplicate of the retrial petition on the opposing party. The opposing party shall submit written opinions within 15 days after receiving the duplicate of the retrial petition; and the failure to submit written opinions will not affect the review by the people's court. The people's court may require the applicant and the opposing party to supplement relevant matters and may inquire about relevant matters.

Article 204 The people's court shall review the application within three months upon receiving the retrial application, and grant approval if it is in conformity with the provisions of this Law, or otherwise reject the application. The extension of the period, if needed under special circumstances, shall be subject to the approval of the president of the court.

If a case is ruled to be retried upon application by a party to the case, the case shall be retried by an intermediate people's court or a people's court at a higher level, unless the party selects to apply for retrial by the primary people's court according to Article 199 herein. If a case is ruled to be retried by the Supreme People's Court or a higher people's court, the case shall be retried by the court rendering the said ruling or it may be handed over to any other people's court or the people's court of original instance for retrial.

Article 205 A party that intends to apply for a retrial shall submit an application within six months after the judgment or ruling becomes legally effective; under the circumstances stipulated in Items (1), (3), (12) and (13) of Article 200, the party shall submit the application within six months after he knows or should have known the fact.

Article 206 When a decision is made to retry a case in accordance with the trial and supervision procedure, the execution of the original judgment, ruling or mediation agreement shall be suspended, except in cases involving claims for alimony, support for children or elders, pensions for the disabled or the family of a descendant, expenses for medical care or labour remuneration.

Article 207 For a case to be retried by a people's court according to the procedure of adjudication supervision, if the legally effective judgment or ruling was made by a court of first instance, the case shall be retried according to the procedure of first instance, and the parties may appeal against the new judgment or ruling; if the legally effective judgment or ruling was made by a court of second instance, it shall be retried according to the procedure of second instance, and the new judgment or ruling shall be legally effective; if it is a case that was brought up for a retrial by a people's court at a higher level, it shall be retried according to the procedure of second instance, and the new judgment or ruling shall be legally effective.

The people's court shall, in retrying a case, form a new collegial bench.

Article 208 If the Supreme People's Procuratorate discovers that a legally effective judgment or ruling made by a people's court at any level involves any of the circumstances under Article 200 of this Law, or if a people's procuratorate at a higher level discovers that a legally effective judgment or ruling made by a people's court at a lower level involves any of the circumstances under Article 200 of this Law, or the mediation agreement endangers the national interest or the social public interest, the Supreme People's Procuratorate or the said people's procuratorate at a higher level shall lodge a protest.

If a local people's procuratorate at any level discovers that a legally effective judgment or ruling made by a people's court at the same level involves any of the circumstances specified under Article 200 of this Law, or the mediation agreement endangers the national interest or the social public interest, the people's procuratorate may raise procuratorial suggestions to the people's court at the same level and report them to the people's procuratorate at the higher level for record-filing, or request the people's procuratorate at a higher level to lodge a protest to the people's court at the same level.

The people's procuratorates at all levels shall have the right to raise procuratorial suggestions to the people's courts at the same level regarding any illegal acts of judicial officials in judicial procedures other than the trial and supervision procedure.

Article 209 Under any of the following circumstances, the parties concerned may apply to the people's procuratorate to raise procuratorial suggestions or lodge a protest:

- (1) The people's court rejects the application for retrial;
- (2) The people's court fails to make a ruling on the application within a prescribed period; or
- (3) There are obvious errors in the retrial judgment or ruling.

The people's procuratorate shall review the application filed by the parties concerned within three months and make decisions on whether or not to raise procuratorial suggestions or lodge a protest. The parties concerned shall not apply to the people's procuratorate to raise procuratorial suggestions or lodge a protest again.'

Article 210 Where a people's procuratorate needs to raise procuratorial suggestions or lodge a protest for the purpose of performing its duty of legal supervision, it may investigate and confirm the relevant information with the parties concerned or outsiders.

Article 211 With respect to a case against which a people's procuratorate lodges a protest, the people's court that has accepted the protest shall make a decision on whether or not to retry the case within 30 days after receipt of the protest. Under any of the circumstances prescribed in Items (1) to (5) of Article 200 of this Law, the people's court may transfer the case to a lower court for retrial, unless the case has already been retried by the said lower court.

Article 212 Where a people's procuratorate decides to lodge a protest against a judgment, ruling or mediation agreement made by a people's court, it shall make the protest in writing.

Article 213 When a people's court hears a case protested by a people's procuratorate, the court shall notify the people's procuratorate to send personnel to the court.

Chapter 17 Procedure for Hastening Debt Recovery

Article 214 When a creditor requests his debtor to repay money or negotiable instrument, he may plead the basic people's court that has jurisdiction to issue a warrant for payment if the following requirements are met:

- (1) The creditor and the debtor are not involved in other debt disputes; and
- (2) The warrant for payment can be served on the debtor.

The pleading shall clearly state the requested amount of money or quantity of negotiable instrument and the facts and evidence on the basis of which the request is made.

Article 215 After a creditor files his pleading, the people's court shall, within five days, inform the creditor whether his pleading is accepted.

Article 216 After accepting such a pleading, the people's court shall, upon examination of the facts and evidence provided by the creditor, if the relationship of the creditor's rights and the debtor's obligations is definite and legitimate, issue a warrant for payment to the debtor within 15 days from accepting the pleading. If the pleading is untenable, the people's court shall make a ruling to dismiss it.

The debtor shall, within 15 days from the receipt of the warrant for payment, pay off his debts or submit a written objection to the people's court.

If the debtor has neither submitted an objection nor complied with the warrant for payment within the time limit specified in the preceding paragraph, the creditor may ask the people's court to enforce the warrant.

Article 217 The people's court shall, upon receiving an objection in writing submitted by the debtor, make a ruling to terminate the procedure for hastening debt recovery if the objection is established through investigation, and the order of payment shall automatically be invalidated.

Once the order of payment becomes invalid, the case will enter into legal proceedings, unless the party that has applied for the order of payment disagrees.

Chapter 18 Procedure of Public Summon

Article 218 An owner of a transferable negotiable instrument according to regulations may, if the instrument is stolen, lost, or missing, plead the basic people's court located in the place where the instrument to be paid to issue a public summon. The provisions of this Chapter shall also be applicable to other matters related to public summon according to legal provisions.

Anyone who applies for a public summon shall submit to the people's court an application which shall clearly state the main contents of the bill such as the face value, the issuer, the holder, the endorser, and the grounds and facts on which the application is made.

Article 219 The people's court shall, upon deciding to accept the pleading, notify the payer to suspend the payment, and within three days, issue a public summon to invite the interested parties to claim their rights or interests. The time limit of the public summon shall be at the discretion of the people's court, however, it shall not be less than sixty days.

Article 220 The payer shall, upon receiving the notification of payment suspension issued by a people's court, suspend the payment till the conclusion of the procedure of public summon.

Within the time limit of a public summon, any act to transfer the rights of the disputed instrument shall have no legal effects.

Article 221 Any interested parties shall plead the people's court for asserting their claims within the time limit of a public summon.

After receiving a pleading of an interested party for asserting his claims, the people's court shall make a ruling to conclude the procedure of the public summon to invite the interested parties to assert their claims and notify the applicant and the payer.

The applicant or the claimant may institute a lawsuit in the people's court.

Article 222 If no one asserts a claim, the people's court shall make a judgment on the basis of the petition to declare the negotiable instrument null and void. The judgment shall be announced in a public notice, and the payer of the bill shall be notified of the judgment. As of the date of the public notice, the applicant shall be entitled to claim payment from the payer.

Article 223 If an interested party for a legitimate reason was unable to plead the people's court for asserting his claim before the judgment was made, he may, within one year from the day he knew or should have known of the public notice of the judgment, file a lawsuit in the people's court that made the judgment.

Part Three Procedure of Enforcement

Chapter 19 General Provisions

Article 224 Legally effective judgments or rulings of civil cases and the parts of judgments or rulings related to property in criminal cases shall be enforced by the people's court of first instance or the people's court at the same level where the property that is to be enforced is located.

Other legal documents that are to be enforced by a people's court as prescribed by law shall be enforced by the people's court located in the place where the person to be enforced has his domicile or where the property that is subject to the enforcement is located.

Article 225 If a party or any interested party considers that the enforcement is in violation of legal provisions, it may raise a written objection to the people's court in charge of the enforcement. If a party or any interested party raises a written objection, the people's court shall review the written objection within 15 days after receiving it. If the objection is tenable, the people's court shall rule to cancel or correct the enforcement; and if the objection is untenable, the people's court shall rule to reject the objection. If a party or any interested party is not satisfied with the ruling, it may apply for reconsideration to the people's court at the next higher level within 10 days after the ruling is served.

Article 226 If the people's court fails to make enforcement within six months after receiving the application for enforcement, the person who has applied for the enforcement may apply for enforcement to the people's court at the next higher level. Upon review, the people's court at the next higher level may order the original people's court to make enforcement within a specified period of time, or may decide to make enforcement by itself or direct any other people's court to make enforcement.

Article 227 If, during the course of enforcement, a person who is not involved in the case raises a written objection to the subject matter of the enforcement, the people's court shall review the written objection within 15 days after receiving it. If the objection is tenable, the people's court shall rule to suspend the enforcement on the subject matter; and if the objection is untenable, it shall be rejected. If a person who is not involved in the case or a party involved is not satisfied with the ruling and considers that there is an error in the original judgment or ruling, it shall be dealt with according to the procedure of adjudication supervision; and if a written objection is irrelevant to the original judgment or ruling, the relevant party may file a lawsuit with the people's court within 15 days after the ruling is served.

Article 228 The enforcement shall be carried out by the enforcement officer.

The people's court may, when necessary, establish executive organs.

In carrying out a compulsory enforcement measure, the enforcement officer shall show his credentials. After the enforcement is completed, the enforcement officer shall make a written record for the particulars of the enforcement, and have it signed or sealed by the persons concerned on the scene.

The people's court may, when necessary, establish executive organs.

Article 229 If a person or property to be subject to enforcement is in another locality, the people's court in that locality may be entrusted to enforce the enforcement. The entrusted people's court shall begin the enforcement within 15 days after receiving a power of attorney and shall not refuse to do so. After the enforcement has been completed, the entrusted people's court shall promptly inform the entrusting people's court with the result of the enforcement by writing. If the enforcement has not been completed within 30 days, the entrusted people's court shall also inform the entrusting people's court with the particulars of the enforcement by writing.

If the entrusted people's court fails to enforce the enforcement within 15 days after receiving the power of attorney, the entrusting people's court may request the people's court at a higher level of the entrusted people's court to instruct the entrusted people's court to enforce the enforcement.

Article 230 If, during the course of enforcement, both disputing parties reconcile themselves and reach a settlement agreement on their own initiative, the enforcement officer shall make a written record of the terms of the settlement and have both parties affix their signatures or seals onto the record.

If the execution applicant enters into a mediation agreement with the person subject to execution as a result of fraud or coercion by the latter or one party concerned fails to fulfil the mediation agreement, the people's court may, at the request of the other party, resume the execution of the legal document which was originally effective.

Article 231 During the course of enforcement, if the person to be enforced provides a surety, the people's court may, with the consent of the person who has applied for the enforcement, decide to postpone the enforcement or defer the time limit for the enforcement. If the person to be enforced fails again to perform his duty within the new time limit, the people's court shall have the power to enforce the guaranteed property of the person to be enforced or the property of the guarantor.

Article 232 If the citizen to be enforced dies, his debts shall be paid off from his estate; if a legal person or any other organization to be subject to enforcement is terminated, the party that succeeds to its rights and obligations shall fulfill the obligations.

Article 233 After an enforcement has been enforced according to a judgment, ruling, or legal document, if a definite error is discovered in such a judgment, ruling, or legal document and therefore such a judgment, ruling, or legal document has been revoked by a people's court, the people's court shall, with respect to the property which has been enforcement, make a ruling to order the person who has received the enforcement property to return the property. If he refuses to return the property, a compulsory enforcement shall be enforced on him.

Article 234 The provisions of this Part shall be applicable to the enforcement of a mediation agreement drawn up by a people's court.

Article 235 The people's procuratorate shall have the right to perform legal supervision over the enforcement of civil cases.

Chapter 20 Application and Referral of Enforcement

Article 236 All the parties shall comply with a legally effective judgment or ruling in a civil case. If a party refuses to comply, the other party may apply to the people's court for enforcement, or the judge may refer the matter to an enforcement officer for enforcement.

All the parties shall also comply with a mediation agreement or other legal documents that are to be enforced by a people's court. If a party refuses to comply, the other party may apply to the people's court for enforcement.

Article 237 If a party fails to comply with an award made by an arbitration institution that was established according to law, the other party may apply for enforcement to the people's court which has jurisdiction over the case. The applied people's court shall enforce the award.

If the party whom the application of enforcement is filed against provides evidence to prove that the arbitration award involves any of the following circumstances, the people's court shall, after examination and verification by a collegial bench, rule to revoke the enforcement of the arbitration award:

- (1) Where the parties have not stipulated an arbitration clause in the contract or have not subsequently reached a written agreement on arbitration;
 - (2) Where the matters being arbitrated exceed the scope of the arbitration agreement or the authority of the arbitration agency;
 - (3) Where the formation of an arbitration tribunal or the procedure of arbitration is not in conformity with the legal procedure;
 - (4) The evidence based on which the arbitral award is made is falsified;
 - (5) The other parties conceal the evidence from the arbitral organ and is sufficient to affect the impartiality of the arbitral award;
- or

(6) Where the arbitrators involved in any of conducts of embezzlement, bribery, practicing favoritism for himself or relatives, twisting the law in rendering arbitration award.

If a people's court determines that the enforcement of an arbitration award would contradict the social and public interest, it shall make a ruling of not to enforce the award.

The above-mentioned order shall be served on both parties and the arbitration agency.

Where an arbitration award is ruled by a people's court not to be enforced, the parties may, according to the written arbitration agreement reached by them, apply to the arbitration agency for a new arbitration or bring a lawsuit to a people's court.

Article 238 If a party fails to comply with a certificate of obligation enforcement by a notary office according to law, the other party may apply to the people's court that has the jurisdiction over the case for the enforcement of the obligation and the applied people's court shall enforce such an obligation.

If a people's court discovers a definite error in a notarized certificate of obligation, the people's court shall make a ruling not to enforce the obligation and serve the letter of the ruling to the both parties and the notary office.

Article 239 The time limit for the submission of an application for enforcement shall be two years. The suspension or termination of the time limit for the submission of an application for enforcement shall be governed by the provisions on the suspension or termination of the statute of limitation.

The time limit prescribed in the preceding paragraph shall be calculated from the last day of the period specified by a legal document for its performance. If a legal document specifies an installment performance, the time limit shall be calculated from the last day of the period specified for each installment of performance. If a legal document does not specify the period of performance, the time limit shall be calculated from the day when the legal document takes effects.

Article 240 The execution officer shall, upon receiving the application for execution or the writ of referral directing execution, send an execution notice to the person subject to execution and may carry out compulsory execution immediately.

Chapter 21 Enforcement Measures

Article 241 If a person to be enforced fails to fulfill the obligations specified in a legal document as instructed by the enforcement notice, he shall report his property situation for the time being and one year before he has received the enforcement notice. If a person to be enforced refuses to report his property situation or makes a false report, the people's court may, based on the circumstances, impose a fine or detention on the person to be enforced, his legal representative or the principal leading personnel of the unit or the person directly responsible.

Article 242 If the person subject to execution fails to, according to the execution notice, fulfil his obligations specified in the legal document, the people's court shall have the right to make inquiries with the relevant entities concerning his property, such as savings, bonds, stocks and funds, and may seize, freeze, transfer or appraise his property according to the situation. The property under the inquiry or seizure or that is transferred or appraised by the people's court shall not be subject to the same beyond the scope of obligation of the person subject to execution.

The people's court shall, in deciding to seize, freeze, transfer or appraise property, make a ruling and issue a notice for assistance in execution. The concerned entities must cooperate on this issue.

Article 243 If a person to be enforced fails to fulfill the obligations specified in a legal documents instructed by an enforcement notice, the people's court shall have the power to withhold or withdraw the portion of his income to fulfill his obligation. However, the court shall leave the necessary living expenses for the person and his dependent family members.

A people's court shall make a ruling to withhold or withdraw a person's income and issue a notice for assisting the enforcement. The unit for which the person to be enforced works, banks, credit unions, or other units that deal with savings deposits shall comply with the notice.

Article 244 If a person to be enforced fails to fulfill his obligation specified in a legal document instructed by the enforcement notice, the people's court shall have the power to seize, detain, freeze, auction, or sell the portion of his property in order to fulfill his obligations. However, the court shall leave the articles of daily necessity used by the person and his dependent family members.

The people's court shall make a ruling in order to take the measures specified in the preceding paragraph.

Article 245 When a people's court seizes or detains a property, if the person to be enforced is a citizen, the court shall notify the person or an adult member of his family to appear on the scene; if the person to be enforced is a legal person or another organization, the court shall notify its legal representatives or the principal leading personnel to appear on the scene. Their refusal to appear on the scene shall not prevent the enforcement. If a person to be enforced is a citizen, his unit or the basic-level organization in the place where his property is located shall send someone to the scene.

An inventory of the seized or detained property shall be made by the enforcement officer and, after the inventory has been signed or sealed by the persons on the scene, a copy of the inventory shall be given to the person subject to the enforcement. If the person subject to the enforcement is a citizen, a copy of the inventory may also be given to an adult member of his family.

Article 246 The enforcement officer may ask the person to be enforced to safeguard the seized property. The person who is subject to enforcement shall be held responsible for any losses incurred due to his fault.

Article 247 After property has been sealed up or detained, the execution officer shall instruct the person subject to execution to fulfil his obligations specified in the legal document. If the person fails to fulfil his obligations upon expiration of the period, the people's court may sell the sealed-up or detained property through public auction. If the property is not suitable for auction or both parties agree not to sell the property through public auction, the people's court may entrust relevant entities to sell the property or sell the property itself. If the goods are prohibited from free trading by the State, relevant entities shall purchase the goods at a price fixed by the State.

Article 248 If a person to be enforced fails to fulfill his obligations specified in a legal document and conceals his property, the people's court shall have the power to issue a search warrant and search his domicile or the place where the property may be concealed.

The adoption of the measures mentioned in the preceding paragraph shall be subject to a search warrant signed by the president of the people's court.

Article 249 The delivery of property or negotiable instrument specified in a legal document shall be conducted in the presence of both parties summoned by the enforcement officer or the enforcement officer may deliver the property or the negotiable instrument to the recipient. The recipient of the property or the negotiable instrument shall sign a receipt.

Any unit that holds the property or negotiable instruments to be enforced shall pass it on according to the enforcement assistance notice issued by the people's court and the recipient shall sign a receipt.

If any citizen holds the property or negotiable instruments to be enforced, the people's court shall notify him to relinquish them. If he refuses to do so, a compulsory enforcement may be enforced.

Article 250 For a compulsory eviction from a building or a plot of land, the president of a people's court shall sign and issue a public announcement to order the person to be enforced to perform his obligations within a designated period of time. If the person fails to do so within the designated time, a compulsory enforcement may be enforced by the enforcement officer.

When a compulsory enforcement is being enforced, if the person subject to the enforcement is a citizen, the person or an adult member of his family shall be notified to be present on the scene; if the person subject to the enforcement is a legal person or any other organization, its legal representatives or principal leading personnel shall be notified to be present on the scene; their refusal to be present shall not stop the enforcement. If the person to be enforced is a citizen, his work unit or the basic-level organization in the locality of the building or the plot of land to be enforcement shall send people to participate in the enforcement. The enforcement officer shall make a written record of the particulars of the compulsory enforcement, and the people on the scene shall affix their signatures or seals to the record.

The people's court shall assign personnel to transport the properties involved in a compulsory eviction from a building to a designated location and deliver them to the person to be enforced or to an adult member of his family; if any loss is incurred due to the person's refusal to accept the properties, he shall be liable for the loss.

Article 251 During the course of enforcement, if some formalities to transfer the certificates of titles need to be done, the people's court may issue an enforcement assistance notice to relevant units and these units shall comply with the notice.

Article 252 If a person to be enforced fails to fulfill his obligations prescribed in a judgment, ruling, or any other legal document as instructed by the notice of enforcement, the people's court may conduct a compulsory enforcement or entrust a relevant unit or other persons to carry out the enforcement and the person subject to the enforcement shall bear the expenses thus incurred.

Article 253 If a person to be enforced fails to fulfill his obligations of paying money within the time limit specified by a judgment, ruling, or any other legal documents, he shall pay a multiplied interest for the debt based on the default time. If the person subject to the enforcement fails to fulfill his other obligations within the time limit specified by a judgment, ruling, or any other legal documents, he shall pay a surcharge for the deferred performance.

Article 254 After a people's court adopts an enforcement measure stipulated in Articles 242, 243 and 244 of this Law, if the person subject to the enforcement is still unable to pay debts, he shall continue to fulfill his obligations. Once the creditor discovers that the person subject to the enforcement has other properties, the creditor may at any time apply to the people's court for an enforcement of these properties.

Article 255 If a person to be enforced fails to fulfill the obligations specified in a legal document, the people's court may adopt or notify relevant units to assist to adopt the measure of restricting the exit, making records on the credit system, making public the information about nonperformance of duty through public media or any other measure stipulated by law.

Chapter 22 Suspension and Termination of Enforcement

Article 256 Under any of the following circumstances, the people's court shall make a ruling to suspend the enforcement:

- (1) The applicant indicates that the enforcement may be postponed;
- (2) A person not involved in the case raises a justified objection to the subject matter of the enforcement;

(3) A citizen as one of the parties dies and it is necessary to wait for an heir to inherit the rights of the deceased or to succeed his obligations;

(4) A legal person or any other organization as one of the parties ceases its existence, and the person succeeding to its rights and obligations has not been determined; or

(5) Other circumstances that the people's court deems the enforcement should be suspended.

Enforcement shall be resumed when the circumstances that caused the suspension of enforcement have disappeared.

Article 257 Under any of the following circumstances, the people's court shall make a ruling to terminate the enforcement:

(1) The applicant has withdrawn his application of enforcement;

(2) The legal document on which the enforcement is based has been repealed;

(3) The citizen to be enforced dies and there is no estate to be enforced and no one to succeed his obligations;

(4) The person who is entitled to alimony or supports for children or elders dies;

(5) The citizen to be enforced is too poor to repay his debts, has no source of income, and loses his ability to work; or

(6) Other circumstances that the people's court deems the enforcement should be concluded.

Article 258 A ruling to suspend or terminate the enforcement shall become effective immediately after being served on the parties concerned.

Part Four Special Provisions of the Civil Procedures Involving Foreign Elements

Chapter 23 General Principles

Article 259 The provisions of this Part shall be applicable to any civil litigation involving foreign elements within the territory of the People's Republic of China. Where it is not covered by the provisions of this Part, other relevant provisions of this Law shall apply.

Article 260 If an international treaty concluded or acceded to by the People's Republic of China contains provisions differing from those found in this Law, the provisions of the international treaty shall apply, unless the provisions are the ones on which China has announced reservations.

Article 261 Any civil lawsuits brought against a foreign national, a foreign organization, or an international organization that enjoys diplomatic privileges or immunities shall be dealt with according to the relevant laws of the People's Republic of China and with the international treaties concluded or acceded to by the People's Republic of China.

Article 262 A people's court shall use the spoken and written languages commonly used in the People's Republic of China to adjudicate civil cases involving foreign elements. Translation may be provided at the request of the parties concerned and the expenses of the translation shall be borne by the requesting parties.

Article 263 When foreign nationals, stateless persons, or foreign enterprises or organizations need to appoint lawyers for filing or respond to a lawsuit in a people's court, they shall appoint the lawyers of the People's Republic of China only.

Article 264 Any power of attorney mailed or forwarded from outside the territory of the People's Republic of China by a foreign national, stateless person, or a foreign enterprise or organization that has no domicile in the People's Republic of China to appoint a lawyer or any other person of the People's Republic of China as an litigation representative must be authenticated by a notary office in the country where that person, enterprise, or organization has domicile and confirmed by the Chinese embassy or consulate stationed in that country or shall go through the notary formalities stipulated in the relevant bilateral treaties between China and that country before the power of attorney becomes effective.

Chapter 24 Jurisdiction

Article 265 A lawsuit brought against a defendant who has no domicile in the People's Republic of China concerning a contract dispute or other disputes over property rights and interests, if the contract is signed or performed within the territory of the People's Republic of China, or the object of the action is within the territory of the People's Republic of China, or the defendant has detainable property within the territory of the People's Republic of China, or the defendant has its representative agency, branch, or business agent within the territory of the People's Republic of China, may be under the jurisdiction of the people's court located in the place where the contract is signed or performed, the subject of the action is located, the defendant's detainable property is located, the infringing act takes place, or the representative agency, branch or business agent is located.

Article 266 Lawsuits brought for disputes arising from the performance of contracts for Chinese-foreign equity joint ventures, Chinese-foreign contractual joint ventures, or Chinese-foreign cooperative exploration and development of the natural resources in the People's Republic of China shall be under the jurisdiction of the people's courts of the People's Republic of China.

Chapter 25 Service and Time Periods

Article 267 A people's court may serve litigation documents to a party who has no domicile within the territory of the People's Republic of China by the following methods:

- (1) By the method specified in the international treaties concluded or acceded to by both the People's Republic of China and the country where the recipient of service resides;
- (2) Through diplomatic channels;
- (3) By entrusting the service to the embassy or consulate of the People's Republic of China stationed in the country where the recipient of service resides;
- (4) Through the litigation representative who is empowered by the recipient of service to receive the service for it;
- (5) Through the party's representative agency, branch, or business agent whom are authorized to receive the service within the territory of the People's Republic of China;
- (6) By mail if the law of the country where the person on whom the service is to be made resides so permits; in the event that the receipt of delivery has not been returned within three months after the date on which the documents are mailed, and the circumstances justify the assumption that service has been made, the service shall be deemed completed upon the expiration of the said time period;
- (7) By other means through which the receipt can be confirmed, such as facsimile, email, etc.;

(8) By public notice, if none of the above-mentioned methods can be employed. The service shall be deemed completed three months after the date on which the public notice is issued.

Article 268 If a defendant has no domicile in the People's Republic of China, the people's court shall serve a copy of the motion of complaint on the defendant and notify him to file his motion of defense within 30 days after he receives the copy of the motion of complaint. Any extension of the time requested by the defendant shall be at the discretion of the people's court.

Article 269 If any party who has no domicile in the People's Republic of China is dissatisfied with a judgment or ruling made by a people's court of first instance, he shall have the right to file an appeal within 30 days from the date the written judgment or ruling is served. The appellee shall forward his motion of defense within 30 days after he has received a copy of the motion of appeal. If a party is unable to file an appeal or forward a motion of defense within the period of time prescribed by law and therefore requests an extension of the period, the people's court shall decide to approve or disapprove the request.

Article 270 The time period for handling a civil case involving foreign elements by the people's court shall not be limited by the provisions of Article 149 and 176 of this Law.

Chapter 26 Arbitration

Article 271 For disputes involving foreign economic, trade, transport, or maritime activities, if the parties have stipulated clauses on arbitration in their contracts or have subsequently reached written agreements on arbitration, they shall submit such disputes for arbitration to the foreign-affair arbitration institutions of the People's Republic of China and shall not bring lawsuits in a people's court.

If the parties have not stipulated clauses on arbitration in the contract or have not subsequently reached a written agreement on arbitration, they may file a lawsuit in a people's court.

Article 272 If a party applies for the adoption of preservation measure, the foreign-affair arbitration institution of the People's Republic of China shall submit the party's application to the intermediate people's court located in the place where the person against whom the application for the preservation is filed has his domicile or where the person's property is located.

Article 273 If one party fails to comply with the award made by a foreign-affair arbitration institution of the People's Republic of China, the other party may apply for the enforcement of the award to the intermediate people's court located in the place where the person against whom the application for the enforcement is made has his domicile or where the property of the person is located.

Article 274 If a defendant provides evidence to prove that the arbitration award made by a foreign-affair arbitration institution of the People's Republic of China involves any of the following circumstances, the people's court shall, after examination and verification by a collegial bench, rule to disallow the enforcement of the award:

- (1) The parties have not stipulated any clause regarding arbitration in their contract or have not subsequently reached a written agreement on arbitration;
- (2) The defendant is not duly notified of the appointment of the arbitrators or the arbitration proceeding, or the defendant fails to express his defense due to the reasons for which he is not held responsible;
- (3) The formation of the arbitration panel or the arbitration procedure is not in conformity with rules of arbitration; or
- (4) The matters decided by arbitration exceed the scope of the arbitration agreement or the authority of the arbitration institution.

If a people's court determines that the enforcement of an award will violate the social and public interest, the court shall make a ruling to disallow the enforcement of the arbitration award.

Article 275 If the enforcement of an arbitration award is disallowed, the parties may reach a written agreement on arbitration to re-submit their dispute for a new arbitration or file a lawsuit in a people's court.

Chapter 27 Judicial Assistance

Article 276 According to the international treaties concluded or acceded to by the People's Republic of China or the principle of reciprocity, the people's courts of China and foreign courts may request each other's assistance in the service of legal documents, the investigation and collection of evidence, or other litigation actions.

If any matter requested by a foreign court for assistance would impair the sovereignty, security, or social and public interests of the People's Republic of China, the people's court shall refuse the request.

Article 277 A request for providing of judicial assistance shall be conducted through channels stipulated in the international treaties concluded or acceded to by the People's Republic of China; if there is no treaty regarding judicial assistance between China and the foreign country, such a request may be made through diplomatic channels.

A foreign embassy or consulate to the People's Republic of China may serve legal documents to its citizens or conduct the investigation and collection of evidence on its citizens with the conditions of no laws of the People's Republic of China to be violated and no compulsory measures to be taken.

Except for the circumstances proscribed in the preceding paragraph, no foreign organ or individual may, without obtaining an approval from the relevant authorities of the People's Republic of China, serve documents or conduct any investigation and collection of evidence within the territory of the People's Republic of China.

Article 278 A letter of request for judicial assistance and its annexes submitted by a foreign court to a people's court shall be appended with Chinese translations or the texts in the language specified in the relevant international treaty.

A letter of request and its annexes submitted to a foreign court by a people's court for judicial assistance shall also be appended with the translations in the language of the country or the texts in the language specified in the relevant international treaty.

Article 279 The judicial assistance provided by the people's courts shall be carried out according to the procedure stipulated by the laws of the People's Republic of China. If a foreign court request for judicial assistance to be conducted in a special method, it may be conducted as requested as long as the special method does not violate any laws of the People's Republic of China.

Article 280 If a party applies for enforcement of a legally effective judgment or ruling made by a people's court and the party subject to the enforcement or its property is not within the territory of the People's Republic of China, the applicant may directly apply for the recognition and enforcement of the judgment or ruling to the foreign court that has jurisdiction over the case, or have the people's court request a foreign court to recognize and enforce the judgment or ruling according to the relevant provisions of the international treaties concluded or acceded to by China or on the principle of reciprocity.

If a party applies for the enforcement of a legally effective arbitration award made by a foreign-affair arbitration institution of the People's Republic of China and the party subject to the enforcement or its property is not within the territory of the People's Republic of China, the applicant may directly apply for the recognition and enforcement of the arbitration award to the foreign court that has jurisdiction over the case.

Article 281 If a legally effective judgment or ruling made by a foreign court seeks the recognition and enforcement of a people's court of the People's Republic of China, the party may directly apply to the intermediate people's court of the People's Republic of China that has the jurisdiction over the case for the recognition and enforcement, or the foreign court may, according to the provisions of the international treaties concluded or acceded to by the People's Republic of China or based on the principle of reciprocity, request the recognition and enforcement of a people's court.

Article 282 After a people's court of the People's Republic of China reviews an application or pleading for the recognition and enforcement of a legally effective judgment or ruling rendered by a foreign court according to the international treaties concluded or acceded to by the People's Republic of China or based on the principle of reciprocity, if the court considers that such a judgment or ruling does not contradict the basic principles of the laws of the People's Republic of China nor violates the national, social, and public interest of China, the court may render a ruling to recognize its force. Where the enforcement is necessary, the court may issue an order to enforce a foreign judgment according to the relevant provisions of this Law. If a legally effective judgment or ruling rendered by a foreign court contradicts the basic principles of the law of the People's Republic of China or the national, social, and public interest of China, the people's court shall reject the application of recognition and enforcement.

Article 283 If an award made by a foreign arbitration institution needs the recognition and enforcement of a people's court of the People's Republic of China, the party shall directly apply to the intermediate people's court located in the place where the party subject to the enforcement has its domicile or where its property is located. The people's court shall deal with the matter according to the relevant provisions of the international treaties concluded or acceded to by the People's Republic of China or on the principle of reciprocity.

Article 284 This Law shall become effective as of the date of promulgation, and the Civil Procedure Law of the People's Republic of China (for Trial Implementation) shall be annulled as of the same date.